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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,866	08/18/2000	Charles E. Bernasconi	P/3639-21	7547

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EXAMINER	
BLECK, CAROLYN M	
ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/641,866	Applicant(s) BERNASCONI ET AL.	
	Examin r Carolyn M Bleck	Art Unit 3626	

-- Th MAILING DATE of this communication appears on th cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 18 August 2000. Claims 1-16 are pending. An IDS statement has not been entered or considered. Acknowledgement of a claim for domestic priority under 35 USC 119(e) to a provisional application (60/150,001) has been made.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the length exceeds 150 words. Correction is requested. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claim 1, 5-9, and 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al. (6,334,133).

(A) As per claim 1, Thompson discloses a system for automating the performance of substitute fulfillment to assign a replacement worker to substitute for a worker during a temporary absence comprising:

(a) a central database coupled to a central server, wherein a central database maintains worker records and substitute worker records on each local database in parallel with a corresponding record on the central database (col. 7 line 65 to col. 8 line 14 and col. 11 lines 15-52);

(b) a personal identification number (PIN) or password (Fig. 9 and col. 8 lines 15-63);

(c) a substitute fulfillment system for selecting an acceptable replacement worker for a particular worker by searching for potential replacements with the requisite qualifications or criteria in a master list of replacements available to the organization located in the database and then compiling a list of acceptable replacements (col. 9 lines 42-58); and

(d) a web site interface for access to the substitute fulfillment system via the Internet using a computer (col. 6 lines 24-58 and col. 10 lines 32-42).

(B) As per claims 5-7, Thompson discloses the central server automatically generating a list of one or more substitute workers (reads on "temporary employee) for each absent worker in response to information representing absent workers, wherein the central server automatically communicates information representing positions to be filled to substitute workers identified by the central server via an internet communication link, wherein the central server contacts the identified substitute workers in each list until one of the substitute workers in each list agrees to cover for the absent workers or until each list of substitute workers is exhausted, and wherein the worker is a teacher and the substitute worker is a substitute teacher (Fig. 12, col. 1 lines 44-60, col. 2 line 51 to col. 3 line 5, col. 6 lines 24-39, col. 8 lines 15 to col. 10 line 7 and col. 12 lines 1-13).

(C) As per claims 8-9, Thompson discloses automatically communicating information to the substitute worker via electronic mail or making the listing available through a web site interface (Fig. 2, col. 9 lines 23-41, and col. 10 lines 32-42).

(D) As per claim 11, Thompson discloses a substitute fulfillment system for selecting an acceptable replacement worker for a particular worker by searching for potential replacements with the requisite qualifications or criteria in a master list of replacements available to the organization located in the database and then compiling a list of acceptable replacements and notifying the replacements, wherein the database includes data records are maintained, utilized, and searched in the database, wherein the data records illustrate what types of information the substitute fulfillment system requires and how that information is organized, and wherein the data records are organized using fields (col. 8 lines 15-63, col. 9 lines 42-58, and col. 12 lines 1-13).

(E) As per claim 12, Thompson discloses a method of obtaining a copy of an introductory software applet using a computer over the Internet comprising:

(a) accessing a substitute fulfillment system including a communications and processing server via the Internet (col. 6 lines 1-67);

(b) requesting and downloading the software applet from a web site using a client computer (col. 6 line 45 to col. 7 line 7); and

(c) providing billing information when registering the software applet for billing substitute fulfillment services involving a teacher (col. 6 line 59 to col. 7 line 7 and col. 8 lines 15-63).

(F) As per claim 13, Thompson discloses the server relaying instructions from the organization or messages from the absent worker for the substitute, including summary substitute assignment reports and course information (Fig. 12, col. 4 lines 65 to col. 5 line 4, col. 7 lines 19-54, col. 8 lines 15-63, and col. 10 lines 8-20).

(G) As per claim 14, Thompson discloses downloading a software applet for accessing the substitute fulfillment system, wherein a user submits identification and a PIN to enroll as a client with the substitute fulfillment system (col. 7 line 45 to col. 8 line 7 and col. 8 lines 15-63).

(H) As per claim 15, Thompson discloses downloading a software applet, registering the software applet, and upon downloading the software applet, an organization or user enters data to initialize the applet and the substitute fulfillment system for its use, wherein the applet presents the client organization with a series of forms to complete to build records which are key to substitute identification foe each worker or potential substitute, as well as other records necessary for ancillary tasks (col. 7 lines 19-53).

(l) As per claim 16, Thompson discloses a substitute fulfillment system including a communications, web, and processing server for selecting an acceptable replacement worker for a particular worker by searching for potential replacements with the requisite qualifications or criteria in a master list of replacements available to the organization located in the database and then compiling a list of acceptable replacements to client computers including world wide web interfaces (col. 6 lines 3-40 and col. 9 lines 42-58).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (6,3343,133) as applied to claim 1 above, and further in view of Beck (6,381,640).

(A) As per claims 2-3, the relevant teachings of Thompson are as discussed in the rejections above, and incorporated herein.

Thompson discloses accessing information, including worker and substitute worker records in a database in a substitute fulfillment system over the Internet using a world wide web interface (col. 6 lines 1-45 and col. 11 lines 15-56). Thompson fails to

expressly discloses including a training system for users of the database. Beck discloses a web-based self help interface similar to a web browser to help clients resolve issues (Fig. 1 and 5, col. 12 lines 53-58, col. 15 line 48 to col. 17 line 48). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the aforementioned components of Beck within the system of Thompson with the motivation of reducing the amount of resources required to resolve issues related to the system (Beck; col. 17 lines 37-46).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (6,3343,133) as applied to claim 1 above, and further in view of Haverstock et al. (6,064,977).

(A) As per claim 4, the relevant teachings of Thompson are as discussed in the rejections above, and incorporated herein.

Thompson fails to expressly disclose a system of security logon providing access levels to information. Haverstock discloses a system including a web server with integrated scheduling and calendaring, wherein the system provides role-based, multi-level security for controlling access to objects within the system, wherein the system enables an authorized individual to assign users a defined role, and wherein each role may have various privileges based on the priority level of the role (Abstract and col. 6 lines 10-31). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the aforementioned components of

Haverstock within the system of Thompson with the motivation of increasing the security of data accessed over the Internet (Haverstock; col. 6 lines 10-31) and protecting the privacy of users.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (6,3343,133) as applied to claim 1 above.

(A) As per claim 10, the relevant teachings of Thompson are as discussed in the rejections above, and incorporated herein.

Thompson fails to expressly disclose the database holding an available job for a teacher for a period of time, and then releasing the available job to other teachers if no reply from the teacher is received by the database. However, Thompson includes compiling a list by searching a database with potential replacements with requisite qualifications in a master list of replacements and then contacting those replacements, wherein the system including the database is able to handle multiple clients and multiple substitute fulfillment tasks simultaneously (col. 9 lines 41 to col. 10 line 60). It is respectfully submitted that holding an available resource for a period of time is typically used if an offer is being made for taking that resource, such as a job, and the skilled artisan would have found it an obvious modification to have including holding a resource for a particular time and then releasing that resource if no reply is received within the system of Thompson with the motivation of ensuring available jobs are filled efficiently and reliably (Thompson; col. 3 line 55 to col. 4 line 33).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. The cited but not applied prior art teaches a user definable closed computerized smart system to emulate the day to day continuous operation of business environments with minimal human intervention (6,061,506), a system or method for dynamic resource management (6,275,812), a method for initializing workflows in an automated organization management system (6,311,192), an automatic work progress tracking and optimizing engine for a telecommunications customer care and billing system (6,415,259), and a job brokering apparatus and recording medium (6,466,914).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (703) 305-3981. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (703) 305-9588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 306-1113.

12. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 305-7687	[Official communications; including After Final communications labeled "Box AF"]
(703) 746-8374	[Informal/ Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor (Receptionist).

CB
December 3, 2002

DINH X. NGUYEN
PRIMARY EXAMINER

Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

> **A person shall be entitled to a patent unless –**
>
> **(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.**

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

> **A person shall be entitled to a patent unless –**
>
> **(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.**

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at www.uspto.gov or call the Office of Patent Legal Administration at (703) 305-1622.